

1 Gaston Cornu-Labat, MD
 2 15446 Bel-Red Road, Suite B-10
 3 Redmond, WA 98052
 4 (425) 497-9558



5 **UNITED STATES DISTRICT COURT**
 6 **WESTERN DISTRICT OF WASHINGTON**

7 Gaston Cornu-Labat,
 8 Plaintiff;

NO. 3:14-cv-05383 RBL

9 v.

10 Quincy Valley Medical Center (QVMC) a/k/a
 11 Grant County Hospital District No. 2 in the
 12 state of Washington, and Mehdi Merred, and
 13 Byron Mark Vance, and M. Colleen Canfield,
 14 and Sarina Fahrner, and Mary C. Klingner,
 15 and Charlene Brush, and Glenda Bishop,
 16 individually and in their official capacity
 17 relating to QVMC, and Donald Condit, and
 18 Robert Poindexter, and Randy Zolman, and
 19 Darrell Van Dyke, and Anthony Gonzalez,
 20 individually and in their official capacity as
 21 Board Commissioners of QVMC, and Mary
 22 Selecky, and Karen Ann Jensen, and Dani
 23 Newman, and James H. Smith, and Karen
 24 Caille, and Wayne Carlson, and John Kuntz,
 25 individually and in their official capacity
 relating to the Washington state Department
 of Health (DOH), and William Gotthold, and
 Theresa Elders, and Leslie M. Burger, and
 Richard Brantner, and Michael T.
 Concannon, and Bruce Cullen, , individually
 and in their official capacity as
 commissioners for the DOH Medical Quality
 Assurance Commission.

COMPLAINT

JURY TRIAL DEMANDED

26 **I. INTRODUCTION**

27 1. Plaintiff Gaston Cornu-Labat, pro se, brings this action seeking

28 COMPLAINT - 1

GASTON CORNU-LABAT

15446 BEL-RED RD, STE B-
 10, REDMOND WA 98052
 425-497-5063

1 redress for damages and injunctive relief requiring expungement of medical license
 2 suspension records caused by arbitrary denial of his right to practice medicine by
 3 the MQAC consequent to a false report of professional unsuitability by QVMC,
 4 obstruction of justice, whistle blower retaliation, racketeering, and malicious
 5 prosecution without probable cause.

II. PARTIES

7 2. Plaintiff Gaston Cornu-Labat is a resident of King County,
 8 Washington. Plaintiff is a physician and well-known public figure in the medical
 9 field.

10 3. Quincy Valley Medical Center (QVMC) is Grant County Hospital
 11 District #2, a political sub-division of the local government, and a hospital with
 12 inpatient and outpatient medical services.

13 4. Defendant Mehdi Merred is an individual and resident of Grant
 14 County, Washington. Defendant Merred is the administrator of the Quincy Valley
 15 Medical Center.

16 5. Defendants Byron Mark Vance, M. Colleen Canfield, Sarina Fahrner,
 17 Mary C. Klingner, Charlene Brush, Glenda Bishop, Donald Condit, Robert
 18 Poindexter, Randy Zolman, Darrell Van Dike and Anthony Gonzalez are
 19 individuals and residents of Grant County, Washington and associated with QVMC
 20 at the time relating to this claim.

21 6. Defendants Mary Selecky, Karen Ann Jensen, Dani Newman, James
 22 H. Smith, Karen Caille, Wayne Carlson, and John Kuntz are individuals and
 23 residents of Thurston County, Washington and associated with the Washington
 24 state Department of Health (DOH) in the city of Tumwater, Thurston County,
 25 Washington at the time relating to this claim.

26 7. Defendants William Gotthold, Theresa Elders, Leslie M. Burger,
 27 Richard Brantner, Michael T. Concannon, and Bruce Cullen are individuals and
 28

1 commissioners for the DOH Medical Quality Assurance Commission with office
2 in Thurston County, Washington at the time relating to this claim.
3

III. VENUE AND JURISDICTION

4 8. This Court has jurisdiction under 28 U.S.C. §§ 1331, 1343(a), 42
5 U.S.C. §§ 1983, 1985, 1986, and 1988, 18 U.S.C. § 1961–1968.
6

7 9. Venue is proper in this Court under 28 U.S.C. § 1391(b).
8

9 10. One or more of the individual defendants reside in Thurston County,
10 Washington. A substantial portion of the events or omissions giving rise to the
11 claim occurred in Thurston County, Washington.
12

13 11. Venue is proper in this action because the cause of action arose within
14 the court's jurisdiction and because one or more defendants reside in the court's
15 jurisdiction. This court has jurisdiction over the subject matter of this complaint
16 and over the defendants herein.
17

IV. ALLEGATIONS OF FACT

18 12. The Washington State Department of Health (DOH) is a state
19 government agency whose mission is to safeguard the safety, health and wellbeing
20 of the people of the state of Washington.
21

22 13. The Medical Quality Assurance Commission (MQAC) of DOH
23 regulates the competency and quality of professional healthcare providers under its
24 jurisdiction by establishing, monitoring, and enforcing qualifications for licensing,
25 consistent standards of practice, continuing competency mechanisms and
26 discipline. Rules, policies, and procedures developed by the Commission must
27 promote the delivery of quality health care to the residents of the state of
28 Washington.

29 14. Quincy Valley Medical Center (QVMC) is Grant County Hospital
30 District #2, a political sub-division of the local government, and a hospital with
31 inpatient and outpatient medical services.
32

1 15. During the course of 2009 Dr. Gaston Cornu-Labat was asked by the
2 QVMC authorities to participate in a project outside the scope of his employment
3 to restructure and positively impact the function and development of this facility
4 and improve its medical services. Dr. Cornu-Labat participated in this activity
5 without any remuneration and in use of his free time away from his employed
6 function as chief of the surgery department and his honorary function as chief of
7 the medical staff. With the unfolding of Dr. Cornu-Labat's participation in this
8 project, as expected and anticipated within the scope of the project's outline, he
9 learned of numerous irregularities and deficiencies relating to safety codes, and
10 certain management practices abusive to employees and overall negligent and
11 inept; all of which jeopardized public and employee safety, employee wellbeing
12 and ultimately negatively impacted the hospital's quality of patient care.

13 16. Chief among these issues of ineptitude and negligence was a State
14 Fire Marshall's inspection of QVMC in April of 2009 that evidenced widespread
15 deficiencies in this facility relating to adherence to the Life Safety Code. In June of
16 2009, upon questioning by the licensing authorities in DOH, the hospital's CEO,
17 Mehdi Merred, stated in response that all deficiencies had been addressed.
18 Following this statement by Merred a surprise re-inspection in July 2009 by the
19 State Fire Marshall evidenced that the majority of the citations had not been
20 addressed at all.

21 17. The Washington State Patrol (WSP) is charged by DOH to regularly
22 inspect hospitals in the state regarding compliance with the Life Safety Code.
23 These inspections must be carried out at least every 18 months according to statute.

24 18. Between June 2006 and April 2009 no inspections regarding
25 compliance with the Life Safety Code in QVMC were carried out by the WSP.
26 Some of the citations identified in the April 2009 inspection had been code
27 violations present in QVMC since time that predated previous inspections by WSP.
28

1 19. Dr. Cornu-Labat voiced these concerns to the corresponding
2 authorities in QVMC in July of 2009. Dr. Cornu-Labat made public speech of these
3 issues

4 20. QVMC administrators colluded to raise false accusations against Dr.
5 Cornu-Labat regarding his character, behavior, and professional suitability in
6 retaliation for his voiced critiques in July of 2009. Dr. Cornu-Labat was falsely
7 accused in bad faith of “appearing” to have lost his grip on reality, of behaving
8 aggressively towards co-workers and of being “disruptive.”

9 21. As a result of these false accusations Dr. Cornu-Labat was subjected
10 to internal investigations within QVMC, subsequently cleared of all charges of
11 unprofessional conduct, and yet unlawfully mandated by the administration to a
12 mental health evaluation by the state’s unpaired physicians program, the
13 Washington Physicians Health Program (WPHP) in August 2009 because of
14 “appearing not to be acting as his normal self” according to written statement from
15 WPHP. This referral was mandated by Dr. Cornu-Labat’s employer as the only
16 option for him to return to his employment.

17 22. WPHP is a private group of mental health practitioners contracted by
18 DOH to provide optional, diversionary and confidential management of “impaired”
19 medical practitioners. It is the petitioners understanding that the bulk of the
20 referrals to WPHP come from practitioners employers. Despite being this program
21 a discretionary, confidential option for medical practitioners, WPHP reports as a
22 formal complaint to DOH any practitioner that opts not to follow their
23 recommendations.

24 23. After expressing his disagreement with QVMC’s administration
25 mandate regarding the referral to WPHP for mental health evaluation, Dr. Cornu-
26 Labat complied and contacted the WPHP. Following several weeks of interactions
27 with WPHP personnel Dr. Cornu-Labat put in evidence unreasonable and/or
28

1 outrageous conditions non-conducive to a fair and unbiased mental health
2 evaluation being imposed by WPHP together with intimidating and discriminatory
3 behavior portrayed by WPHP practitioners towards him. Dr. Cornu-Labat decided
4 it was not possible for this entity to carry out the necessary evaluation in a fair and
5 unbiased way. Dr. Cornu-Labat consequently expressed such decision and the
6 corresponding grounds for it to WPHP and the QVMC authorities.

7 24. While interacting with WPHP Dr. Cornu-Labat submitted to 4 distinct
8 and independent psychological, neuropsychological and psychiatric evaluations.
9 These evaluations uniformly showed him to have a normal emotional and mental
10 state and no evidence of any pathology.

11 25. Dr. Cornu-Labat presented reports of these evaluations to QVMC
12 authorities. Without legitimate justification and with evident bad faith and malice,
13 Dr. Cornu-Labat's employer rejected the results of these evaluations, placed
14 petitioner on an unpaid administrative leave, banned him from entering the facility
15 or contacting any employees and eventually unlawfully fired him, making
16 subsequently inappropriate comments to the local media without the corresponding
17 clarifications and engaging thereon in a systematic campaign to defame and
18 discredit Dr. Cornu-Labat in the community of Quincy, contributing to blacklist
19 petitioner in the state of Washington.

20 26. At the conclusion of his interactions with WPHP Dr. Cornu-Labat
21 self-reported to DOH that issues had been raised against him, the circumstances
22 surrounding these issues, and requested an investigation by the department.

23 27. Based on Dr. Cornu-Labat's self-report to DOH, MQAC opened case
24 number 2009-140022MD in October 2009.

25 28. Wayne Carlson, PA-C, Medical Investigator for MQAC, purportedly
26 carried out the investigations concerning case number 2009-140022MD. There is
27 no evidence in the case files (Master case No. M2010-84 as it would be later
28

1 identified) to show that Mr. Carlson ever carried out any in-depth investigation of
 2 the circumstances surrounding said case aside from a brief interview with the
 3 hospital's CEO, and requesting written statements from QVMC and Dr. Cornu-
 4 Labat.

5 29. In bad faith QVMC provided in November of 2009 four testimonies in
 6 response to Mr. Carlson's request for evidence regarding Dr. Cornu-Labat that
 7 proved to be baseless, frivolous, and in one instance with clear evidence of perjury.

8 30. In December 2009 Dr. Cornu-Labat was asked by Mr. Carlson to
 9 provide explanations regarding his self-report. When Dr. Cornu-Labat presented
 10 his response to MQAC he did so in person and requested an acknowledged copy of
 11 his response. Dr. Cornu-Labat was frankly mistreated by the MQAC employee
 12 receiving Dr. Cornu-Labat's response and who refused to acknowledge the copies
 13 as requested. After consulting with counsel, Dr. Cornu-Labat was obliged to drive
 14 again the next day from Quincy, WA to Tumwater, WA, request a manager, and
 15 then obtain acknowledged copies of his response to MQAC's request.

16 31. Dr. Cornu-Labat filed a complaint with DOH regarding QVMC's
 17 irregularities, deficiencies, and unsafe management practices in January of 2010.

18 32. Due to the conflict of interest faced by DOH with this complaint filed
 19 by Dr. Cornu-Labat regarding the public safety and other issues in QVMC because
 20 the widespread Life Safety Code violations present in QVMC for so long were in
 21 part consequence of DOH and WSP negligence in their inspections of this facility,
 22 Dr. Cornu-Labat also filed this same complaint with the State Auditor's Office and
 23 with the Healthcare and Wellness Committee of the Washington state Legislature.

24 33. DOH dismissed this complaint. Upon request for re-evaluation of the
 25 dismissal by Dr. Cornu-Labat, specifically pointing out to the missing inspections
 26 by WSP for almost 3 years from June 2006 to April 2009, DOH resolved only to
 27 forward the complaint to WSP. Washington State Patrol never answered to this

1 complaint neither did DOH report any follow up in this regard.

2 34. MQAC case 2009-140022MD remained inactive for several months.
3 MQAC failed to act on Dr. Cornu-Labat's case disposition in a timely fashion,
4 extending beyond all recommended time quotas. Due to the lack of timely
5 resolution in this matter Dr. Cornu-Labat lost employment offers in other states.

6 35. In June 2010 QVMC employees filed a complaint with DOH against
7 QVMC regarding employee abuse, illegal disposal of toxic biochemical and
8 biological hazards and unsafe patient care practices among other issues. These
9 employees requested DOH for whistle blower protection.

10 36. Dr. Cornu-Labat repeatedly requested in writing a prompt resolution
11 of the case, receiving no answer at all from MQAC through July 2010. Karen
12 Caille, staff attorney in charge of Dr. Cornu-Labat's self-reported case,
13 acknowledged to Dr. Cornu-Labat's counsel that she failed to forward Dr. Cornu-
14 Labat's letters requesting a prompt resolution to the MQAC Commissioners.

15 37. Dr. Cornu-Labat ultimately had to plead for intervention in the matter
16 from his district representatives. Senator Janea Holmquist received contact from
17 Dr. Cornu-Labat around July 7, 2010 and purportedly concluded her intervention
18 requesting prompt resolution of the case on or around July 23rd, 2010.

19 38. DOH acknowledged the complaint filed by QVMC employees in June
20 2010 on July 20, 2010 and assigned it the "complaint investigation number"
21 28058. A few days later DOH conducted a sham investigation of QVMC following
22 up on this complaint. DOH investigators failed to properly interview the witnesses
23 provided in the complaint and failed to request the evidence they had been advised
24 by the complainants was available to demonstrate the issues of concern. After
25 visiting with QVMC's administrators DOH concluded there was no merit to the
26 complaints and leaked to the administration the complainants' identity. Both
27 Candace Erickson and Sara Keller, QVMC employees at the time who had filed
28

1 the complaint numbered 28058, were victims of retaliation by the QVMC
2 administration.

3 39. On July 22nd, 2010 MQAC issued a Notice of Intent to Order
4 Investigative Mental Examination of Dr. Cornu-Labat. With this notice MQAC
5 provided Dr. Cornu-Labat with a copy of the bulk of the case file that included the
6 testimonies presented by QVMC associated individuals relating to his purported
7 "abnormal" behavior. One year after the fact Dr. Cornu-Labat for the first time
8 gained access to the contents of the issues that had been brought up against him.
9

10 40. Regarding the evidence in which they based their intent to order an
11 investigative mental evaluation of Dr. Cornu-Labat, MQAC failed to provide the
12 grounds that made the evidence credible and reliable despite being required to do
13 so by statute. Most of the evidence in which MQAC based their intent to order an
14 investigative mental evaluation of Dr. Cornu-Labat was neither credible nor
15 reliable.

16 41. MQAC offered Dr. Cornu-Labat the chance to challenge the Notice of
17 Intent to Order Investigative Mental Evaluation in writing.

18 42. Dr. Cornu-Labat challenged this Notice of Intent to Order presenting a
19 detailed analysis providing a predominance of evidence to prove that (a)the
20 testimonies given by QVMC were incredible and unreliable and in evident bad
21 faith, (b) these actions had been taken in retaliation for whistle blowing, (c) DOH
22 had failed to conduct an appropriate investigation showing no interest in
23 addressing QVMC's problems openly and professionally except by acting against
24 Dr. Cornu-Labat guided by an unfair presumption of guilt on his part, (d) these
25 actions were non-conducive to the development of DOH's function as the
26 safeguard of people's health and wellbeing, (e) there were issues of public concern
27 still present in QVMC, and finally (f) that petitioner was more than suitable as a
28 person and a professional to practice medicine safely and that (g) these

1 proceedings had caused him and his family great harm.

2 43. Dr. Cornu-Labat filed with the Quincy Police Department charges of
3 perjury and criminal conspiracy to commit perjury and other charges against
4 QVMC authorities and employees, and DOH employees involved with the
5 handling of his case for the false statements presented at these proceedings being
6 addressed in this petition and the concerted intent to derail his career and discredit
7 him.

8 44. After an alleged review by MQAC Commissioners William Gotthold
9 and Theresa Elders, MQAC issued an Order for Investigative Mental Health
10 Evaluation of petitioner, again failed to provide the grounds in which MQAC
11 based the decision that the evidence relied upon for such order was credible and
12 reliable, failed to explain petitioner why the submitted mental health evaluations
13 had been ignored and why all the evidence presented by Dr. Cornu-Labat to the
14 contrary had been ignored too. MQAC failed to offer a hearing to address all these
15 disputed facts.

16 45. Explaining that MQAC and DOH had acted unfairly and without any
17 justification, abusing its authority, and in clear conflict of interest and establishing
18 double standards in all that related to QVMC by magnifying anything that could be
19 used against Dr. Cornu-Labat while minimizing or disregarding anything presented
20 in his favor, and explaining that he was concerned about a biased and unfair mental
21 health evaluation in conditions adverse to him and that both QVMC and DOH had
22 acted in collusion and clear bad faith; deeming this order as unwarranted and
23 inappropriate he refused to comply with it.

24 46. Based exclusively on this refusal MQAC accused Dr. Cornu-Labat of
25 unprofessional conduct and invited him to request a hearing to address this matter.
26 Dr. Cornu-Labat, with foreknowledge that this proceeding would be a kangaroo
27 court, requested a hearing on the matter.

1 47. Dr. Cornu-Labat's counsel at that time requested discovery including
 2 all reports and notes of DOH's investigation of the case. DOH specifically failed to
 3 provide Mr. Carlson's investigative report and notes.

4 48. Dr. Cornu-Labat filed a motion to dismiss the case arguing that the
 5 order for a new mental health evaluation was unwarranted and inappropriate. Dr.
 6 Cornu-Labat further filed new evidence to show that (a) DOH had failed to provide
 7 grounds for the evidence it relied upon for the order to be credible and reliable
 8 when petitioner had proved the contrary with a preponderance of evidence, (b)
 9 DOH had a conflict of interest by being partly responsible together with
 10 Washington State Patrol through their own negligence in QVMC inspections, and
 11 becoming Dr. Cornu-Labat's judge, jury and executioner after Cornu-Labat blew
 12 the whistle on this facility's problems, (c) DOH had established double standards
 13 in all that related to QVMC as previously exposed, and (d) that a criminal
 14 conspiracy had been mounted to discredit petitioner.

15 49. Presiding Officer John Kuntz ruled against this motion and declared
 16 the new evidence presented by petitioner as inadmissible, incorrectly arguing that
 17 it had been presented before. Mr. Kuntz also ruled that at the upcoming hearing the
 18 only subject allowed to be argued would be if Dr. Cornu-Labat had complied or
 19 not with the order issued by DOH on Sept 2010.

20 50. At the April 1st 2011 hearing MQAC counsel objected all arguments
 21 and the expert witness brought forth by Dr. Cornu-Labat to show the
 22 inappropriateness of MQAC's order and discarded the arguments about the conflict
 23 of interest faced by DOH with this case. The Presiding Officer accepted these
 24 objections.

25 51. On April 29, 2011 the presiding MQAC panel members Leslie M.
 26 Burger, Richard Brantner, Michael Concannon, and Bruce Cullen ruled against
 27 petitioner declaring that he committed unprofessional conduct and suspended his
 28

1 license to practice medicine indefinitely pending compliance by Dr. Cornu-Labat
 2 with MQAC's order from Sept 2010. In this ruling the Commissioner
 3 misrepresented the conflict of interest faced by DOH and brought forth by Dr.
 4 Cornu-Labat as an unspecified conflict of interest that petitioner faced with his
 5 former employer. DOH subsequently notified the National Practitioner's Databank
 6 of this decision.

7 52. Following his license suspension Dr. Cornu-Labat presented a Petition
 8 for Judicial Review in Grant County Superior Court but was unable to follow
 9 through due to the emotional distress, lack of financial resources and consequent
 10 inability to secure legal counsel. Dr. Cornu-Labat pleaded to numerous agencies
 11 for redress of this whole situation with no results.

12 53. After having exhausted everything in his power to revert this unfair
 13 suspension of his license, Dr. Cornu-Labat complied with MQAC's order and
 14 underwent neuropsychological and psychiatric evaluations with the providers
 15 chosen by MQAC.

16 54. Both evaluations confirmed beyond any doubt what Dr. Cornu-Labat
 17 had been asserting all along through his multiple writings, pleadings, witnesses and
 18 reports: that "*there is no credible evidence in the record's file or in my*
examination of Dr. Cornu-Labat that supports a conclusion that he has any mental
health condition, whatsoever, including Bipolar Disorder" [RA Vandenbelt, MD].
 19 Furthermore, the reports pointed out to evidence of failure in due process and
 20 further stressed the baselessness of the accusations brought up against Dr. Cornu-
 21 Labat.

22 55. Dr. Cornu-Labat and his family have been deeply aggrieved by this
 23 prolonged, illegitimate and unlawful process, having him lost three years of hands
 24 on experience in surgery critical to the maintenance of his surgical skills which
 25 gravely compromised his chances of obtaining employment or establishing a
 26
 27
 28

1 practice in his field of expertise. A practicing surgeon's starting salary averages
 2 between \$300,000 and \$350,000 a year plus benefits and productivity bonuses for
 3 a hospital based employed position. In a successful private practice the earning
 4 potential for a general surgeon is much higher. The Cornu-Labat family has been
 5 severely damaged financially, morally and emotionally and Dr. Cornu-Labat has
 6 suffered irreparable damage to his reputation.

7

**V. FIRST CLAIM: VIOLATION OF RICO 18 U.S.C. § 1961–1968
 (ALL DEFENDANTS)**

8 56. Plaintiff realleges and incorporates by this reference allegations set
 9 forth in Paragraphs 1 through 55 above.

10 57. Defendants falsified information and committed perjury and/or
 11 conspired for the commitment of perjury in furtherance of their obstruction of
 12 justice and retaliation against Plaintiff's legal whistleblowing activities the effect
 13 of which was to damage Plaintiff in manners and amounts to be proven at time of
 14 trial.

15 58. Defendants obstructed justice and/or conspired to obstruct
 16 justice to Plaintiff's detriment the effect of which was to damage Plaintiff in
 17 manners and amounts to be proven at time of trial.

18 59. Defendants retaliated for whistle blower activity and/or conspired to
 19 retaliate for whistle blower activity the effect of which was to damage Plaintiff in
 20 manners and amounts to be proven at time of trial.

21 60. Defendants maintained interest in, or control over, QVMC through
 22 this pattern of racketeering activity the effect of which was to damage Plaintiff in
 23 manner and amount to be proven at time of trial.

24

**VI. SECOND CLAIM: VIOLATION OF 42 U.S.C. §§ 1983 AND 1985
 (ALL DEFENDANTS)**

25 61. Plaintiff realleges and incorporates by this reference allegations set

forth in Paragraphs 1 through 55 above.

62. Defendants acted under color of law.

63. Defendants conspired to deprive Plaintiff of liberty and property interests established, and rights protected, by the Constitution of the United States, its Amendments and related federal laws including but not limited to applicable whistleblower acts.

64. Defendants deprived Plaintiff of liberty and property interests established, and rights protected, by the Constitution of the United States, its Amendments and related federal laws, as alleged above, including but not limited to applicable whistle blower acts.

65. Plaintiff was damaged.

VII. THIRD CLAIM: OUTRAGE (ALL DEFENDANTS)

66. Plaintiff realleges and incorporates by this reference allegations set forth in Paragraphs 1 through 55 above.

67. Defendants engaged in extreme and outrageous conduct.

68. Defendants intentionally or recklessly inflicted emotional distress.

69 Plaintiff suffered severe emotional distress and damages.

VIII. FOURTH CLAIM: DEFAMATION (ALL DEFENDANTS)

70. Plaintiff realleges and incorporates by this reference allegations set forth in Paragraphs 1 through 55 above.

71. Defendants made a false statement or statements about Plaintiff.

72 Defendants' statement or statements were unprivileged.

73 Defendants were at fault for making the statements.

74 Plaintiff was damaged

1 **IX. FIFTH CLAIM: FALSE LIGHT**
2 **(ALL DEFENDANTS)**

3 75. Plaintiff realleges and incorporates by this reference allegations set
4 forth in Paragraphs 1 through 55 above.

5 76. Defendants publicized a matter that placed Plaintiff in a false light.

6 77. The publication would be highly offensive to a reasonable person.

7 78. Defendants knew or recklessly disregarded the falsity of the
8 publication and the false light in which Dr. Cornu-Labat would be placed.

9 79. Plaintiff was damaged.

10 **X. SIXTH CLAIM: MALICIOUS PROSECUTION**
11 **(ALL DEFENDANTS)**

12 80. Plaintiff realleges and incorporates by this reference allegations set
13 forth in Paragraphs 1 through 55 above.

14 81. Defendants instituted or continued a prosecution against Plaintiff.

15 82. There was want of probable cause for the prosecution.

16 83. The proceedings were instituted or continued through malice.

17 84. The proceedings will terminate on the merits in favor of Plaintiff or
will be abandoned.

18 85. The Plaintiff suffered damage.

19 **XI. SEVENTH CLAIM: NEGLIGENCE**
20 **(ALL DEFENDANTS)**

21 86. Plaintiff realleges and incorporates by this reference allegations set
22 forth in Paragraphs 1 through 55 above.

23 87. Defendants had a duty to safeguard the public health and safety.

24 88. Defendants breached that duty.

25 89. Plaintiff was injured.

26 90. The Defendants' breach is the proximate cause of Plaintiff's injuries.

1 **XII. PRAYERS FOR RELIEF**

2 Having stated his complaint and claims, Plaintiff requests the following
3 relief:

4 1. An award of Plaintiff's damages, including but not limited to damages
5 for loss of reputation and harm to career, emotional distress damages, punitive
6 damages, and general damages;

7 2. Injunctive relief requiring Defendants to expunge their records of
8 Plaintiff's medical license suspension;

9 3. An award of Plaintiff's costs, including reasonable attorneys' fees,
10 pursuant to 42 U.S.C. § 1988, and any other applicable court rule, statute, or
11 recognized ground in equity; and,

12 4. Such further relief as the court deems just and equitable.

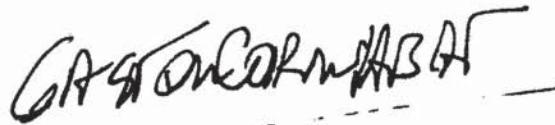
13

14 Dated this 7 day of May, 2014.

15

16 Respectfully submitted,

17

18 

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